Remarks:

Regarding the restriction requirement under 35 USC 121 and 372:

In this paper the applicant cancels claim 16, which constructively addresses the restriction requirement. The cancellation of this claim is to be entered without prejudice or traverse; the applicant expressly reserves the right to present claims directed to a method(s) in one or more further patent applications, e.g., one or more divisional or continuation applications which may be filed during the pendency of the instant application.

Regarding the suggested guidelines; headings in the specification:

While the applicant thanks the Examiner for the suggestion that the application may be amended to include one or more headings as outlined in 37 CFR 1.77(b), the applicant respectfully declines, noting that the relevant statute indicates that such headings "should include". However the term "should" indicates that such headings are preferably but optionally included, but are not required to be included.

Regarding the rejection of claims 1-5, 8, 10-14 under 35 USC 102(b) in view of JP 2002-275050 to Saito (hereinafter simply "Saito"):

The applicant respectfully traverses the Examiner's rejection of the indicated claims, particularly in view of the amended claims presented in this paper. In the present amended claims, the subject matter of prior claim 7, deemed allowable by the Examiner, has been incorporated into independent claim 1. Thus, by virtue of this amendment it is believed that claim 1. as well as all claims dependent therefrom, are now allowable as not being anticipated in view of the Saito reference.

Accordingly, reconsideration of, and withdrawal of the present rejection is solicited.

Regarding the rejection of claims 1-6, 8-15 under 35 USC 102(b) in view of US 6322801 to Lorenzi et al. (hereinafter simply "Lorenzi"):

The applicant respectfully traverses the Examiner's rejection of the indicated claims, particularly in view of the amended claims presented in this paper. In the present amended claims, the subject matter of prior claim 7, deemed allowable by the Examiner, has been incorporated into independent claim 1. Thus, by virtue of this amendment it is believed that claim 1. as well as all claims dependent therefrom, are now allowable as not being anticipated in view of the Lorenzi reference.

Accordingly, reconsideration of, and withdrawal of the present rejection is solicited.

Regarding the rejection of claim 7 under 35 USC 103(a) in view of US 6322801 to Lorenzi et al. (hereinafter simply "Lorenzi"):
The applicant respectfully traverses the rejection of claim 7 as allegedly being obvious in view of the Lorenzi reference.

Prior to discussing the merits of the Patent Office's position, the undersigned reminds the Patent Office that the determination of obviousness under § 103(a) requires consideration of the factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1 [148 USPQ 459] (1966): (1) the scope and content of the prior art; (2) the differences between the claims and the prior art; (3) the level of ordinary skill in the pertinent art; and (4) secondary considerations, if any, of nonobviousness. *McNeil-PPC, Inc. v. L. Perrigo Co.*, 337 F.3d 1362, 1368, 67 USPQ2d 1649, 1653 (Fed. Cir. 2003). See also *KSR International Co. v. Teleflex Inc.*, 82 USPQ2D 1385 (U.S. 2007).

A methodology for the analysis of obviousness was set out in *In re Kotzab*, 217 F.3d 1365, 1369-70, 55 USPQ2d 1313, 1316-17 (Fed. Cir. 2000) A critical step in analyzing the patentability of claims pursuant to section 103(a) is casting the mind back to the time of invention, to consider the thinking of one of ordinary skill in the art, guided only by the prior art references and the then-accepted wisdom in the field. Close adherence to this methodology is especially important in cases where the very ease with which the invention can be understood may prompt one "to fall victim to the insidious effect of a

hindsight syndrome wherein that which only the invention taught is used against its teacher."

It must also be shown that one having ordinary skill in the art would reasonably have expected any proposed changes to a prior art reference would have been successful. *Amgen, Inc. v. Chugai Pharmaceutical Co.*, 927 F.2d 1200, 1207, 18 USPQ2d 1016, 1022 (Fed. Cir. 1991); In re O'Farrell, 853 F.2d 894, 903-04, 7 USPQ2d 1673, 1681 (Fed. Cir. 1988); *In re Clinton,* 527 F.2d 1226, 1228, 188 USPQ 365, 367 (CCPA 1976). "Both the suggestion and the expectation of success must be founded in the prior art, not in the applicant's disclosure." *In re Dow Chem. Co.,* 837 F.2d 469, 473, 5 USPQ2d 1529, 1531 (Fed. Cir. 1988).

With respect now to the amounts of surfactants disclosed in Lorenzi, these amounts are described in the following passage from col. 10 of Lorenzi:

> substrate. In another embodiment, the cleansing component is deposited onto either or both surfaces of the substrate. The articles of the present invention comprise from about 10% to about 1,000%, preferably from about 50% to about 600%, and more preferably from about 100% to about 250%, based on the weight of the water insoluble substrate, of the surfactant. Also, the articles of the present invention pref-

As is clearly evident therefrom, the Lorenzi's compositions require at least twice of the maximum amount of the surfactant which is now claimed in the claim1 as presented herein. Indeed, Lorenzi range extends to 1000%wt. ! However, such is not a surprising requirement as Lorenzi further requires that his surfactants be of the "high lathering" type, as is disclosed later in column 10 of Lorenzi, wherein is stated:

> The surfactants of the cleansing component are preferably lathering surfactants. As used herein, "lathering surfactant" means a surfactant, which when combined with water and mechanically agitated generates a foam or lather. Such surfactants are preferred since increased lather is important to consumers as an indication of cleansing effectiveness. In certain embodiments, the surfactants or combinations of

Such a utility is quite consistent with Lorenzi's articles which are all specifically formulated as personal care wipes, wherein cleaning of the human epidermis, including the removal of sebum from such surfaces is required. However to a skilled artisan concerned with cleaning a hard surface, such a teaching is completely opposite to that which would be considered useful as, in cleaning of hard surfaces, effective cleaning with a minimum of deposits and residues as would be expected from using "high lathering" types of surfactants in amounts of at least 10%wt., but as Lorenzi notes, preferably in even great amounts, would be counterintuitive for cleaning of hard surfaces. Thus, it is contended by the applicant that the Examiner's reliance upon Lorenzi in asserting that the subject matter of prior claim 7 would be "obvious" is improper as Lorenzi at least "teaches away" from the types of articles as are now claimed in presently amended claim 1.

The applicant also directs the attention of the Examiner to the newly presented claims which require that the article of claim 1 comprise even lesser amounts of surfactants, (which are also not limited to the "high lather" type surfactants taught by Lorenzi) as well as to the further claim that that articles produce "essentially streak free" cleaning.

Accordingly, reconsideration of and withdrawal of the rejection of claim 7 is solicited.

Should the Examiner in charge of this application believe that telephonic communication with the undersigned would meaningfully advance the prosecution of this application, they are invited to call the undersigned at their earliest convenience.

The early issuance of a *Notice of Allowability* is solicited.

PETITION FOR A TWO-MONTH EXTENSION OF TIME

Applicants respectfully petition for a two-month extension of time in order to permit for the timely entry of this response. The Commissioner is hereby authorized to charge the fee to Deposit Account No. 14-1263 with respect to this petition.

CONDITIONAL AUTHORIZATION FOR FEES

Should any further fee be required by the Commissioner in order to permit the timely entry of this paper, the Commissioner is authorized to charge any such fee to Deposit Account No. 14-1263.

Respectfully Submitted;

Andrew N. Parfomak

31 January 2010

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Certification of Telefax Transmission:
I hereby certify that this paper and any indicated enclosures is being telefax transmitted to the US Patent and Trademark Office to telefax number: 571 273-8300 on the date shown below:

Andrew N. Parfomak

31 January 2010

Date:

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